IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH,

AT HYDERABAD

HON'BLE SRI JUSTICE V.V.S. RAO

W.P. No. 26800 OF 2005

Date: 19.12.2005

BETWEEN:

1. Smt. Kusampudi Lakshmi and others

…. PETITIONERS

And

1. The District Collector, Krishna District at Machilipatnam, and others.

…. RESPONDENTS

HONOURABLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No. 26800 OF 2005

ORDER:

The petitioners, who are 20 in number, claim to be the owners and possessors of the land in S.Nos. 732, 745, 749, 765, 767, 768, 842 843 etc., of Vaivaka Village, Mudinepalli Mandal, Krishna District. They also claim that they were granted 'D' form pattas by the third respondent vide proceedings dated 5.10.1992 and 10.8.1993 and since then they are in possession of the property and converted the lands into fishing tanks. They allege that the third respondent also issued pattadar passbooks. They further allege that on 11.11.2005, the officials of the respondents came to their fields and orally directed them to vacate the land. Feeling aggrieved by the same, the present writ petition is filed.

The matter was finally listed on 15.12.2005. To enable the learned Assistant Government Pleader, the matter was adjourned to today. Today after getting instructions, the learned Assistant Government Pleader for revenue (Assignments) submits that the land in question was assigned to others and the petitioners, who are in possession of the land, were claiming title illegally. Therefore, so as to initiate action under the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act,

1977 (for short 'the Act'), it was decided to conduct enquiry. Having come to know, the petitioners filed the writ petition. The learned Assistant Government Pleader denies the allegation that on 11.11.2005 the Subordinate officers of the respondent visited the petitioners land.

However, the learned Assistant Government Pleader does not dispute that the petitioners are in possession of the property. Whether such possession of title is valid or not is to be decided. Therefore, unless and until the respondents take appropriate action under the provisions of the Act and the petitioners are evicted from the lands by due process of law, they cannot be dispossessed. This observation would safeguard the interests of the petitioners, if they are in possession of the property as on today.

The Writ petition, with the above observations, is accordingly disposed of at the admission stage.

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(**V.V.S. RAO, J.)**

19th December, 2005

Note: Issue C.C. in three days.

(By order) / Js.